

**REMARKS****Amendments to the Claims**

Claim 1 has been amended to state that the air increase or decrease signal is entered by a user. This amendment is supported on page 13, lines 17 to 19. No new matter has been added.

**Claim Rejections – 35 USC §112**

Claim 8 has been rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The objectionable phrase, “such as variable resistor” has been deleted from claim 8. This element is claimed in new claim 11. No new matter has been added.

**Claim Rejections – 35 USC §102**

Claims 1, 2, 9, and 10 have been rejected under 35 USC §102(e) as being anticipated by US Patent No. 6,612,882 to Shidara et al. (the ‘882 patent). Claims 1, 5, 9, and 10 have been rejected under 35 USC §102(e) as being anticipated by US Patent No. 6,470,852 to Kanno (the ‘852 patent). Claims 1 and 5 to 10 have been rejected under 35 USC §102(b) as being anticipated by US Patent No. 6,415,766 to Kanno et al. (the ‘776 patent).

**The ‘882 Patent**

With regard to the ‘882 patent, in the Office Action, it is alleged that the “neutral switch 34” of the ‘882 patent corresponds to an “engine speed operating unit” of the present invention. However, the “neutral switch 34” is a switch, i.e. a sensor, for detecting a neutral position of the shift lever 32. Column 4, lines 6 to 9 of the ‘882 patent states: “a neutral switch 34 ... outputs an ON signal when the operator puts the shift lever 32 in Neutral and outputs an OFF signal when the operator puts the shift lever 32 in Forward or Reverse.” That is, the “neutral switch 34” outputs a

signal whether the position of the shift lever 32 is forward, reverse or neutral, but does not output an air increase or decrease signal.

Thus, the “neutral switch 34” does not correspond to an “engine speed operating unit” of claim 1. At least for this reason, claim 1 and its dependent claims 2, 9, and 10 are not anticipated by the ‘882 patent.

Furthermore, the ‘882 patent does not show that the neutral switch 34 is a “push switch” as set forth in claim 2. Thus, claim 2 is not anticipated by the ‘882 patent at least for this reason.

#### The ‘852 Patent

With regard to the ‘852 patent, it is alleged in the Office Action that the “shift lever 170” of the ‘852 patent corresponds to an “engine speed operation unit” of claim 1. However the “shift lever 170” is only a lever for shifting gears, and does not output an air increase or decrease signal as set forth in claim 1. Column 7, lines 13 to 16 of the ‘852 patent states: “When the operator wants to move the watercraft 40 forwardly or backwardly, or stop the watercraft 40, he or she shifts the transmission device 150 to a forward, reverse or neutral position, respectively, using the shift lever 170.”

In contrast, the engine speed operation unit of claim 1 directly inputs an air increase or decrease signal. The shift lever 170 may perhaps provide a basis for inputting an air decrease signal as contended in the Office Action, it does not directly input an air increase or decrease signal.

Thus, at least the above reason, claim 1 and its dependent claims 5, 9, and 10 are not anticipated by the ‘852 patent.

#### The ‘766 Patent

The '766 patent relates to a control system for changing a preset of an aimed idle engine speed. Once the aimed idle engine speed is set, the user cannot freely change the engine speed during the operation of the engine.

An engine speed operating unit of claim 1 has been equated to the variable resistor 280 of the '766 patent. Column 11, lines 7 to 12 of the '766 patent states the following regarding the variable resistor 280:

In the embodiments described above, the aimed idle speed is adjustable by changing the throttle valve opening. However, the aimed idle speed can be set directly in the EMU 110. For instance, as seen in FIG. 1, a variable resistor 280 that can change the previously stored aimed idle speed as applicable.

In contrast, according to the present invention, the user can freely change the engine speed during the operation of the engine. The engine speed operating unit, such as a push switch of claim 2, is not directed to controlling the idling speed but the speed of the engine itself as the name "engine speed operating unit" indicates.

Thus, at least for the above reason, claim 1 and its dependent claims 5 to 10 are not anticipated by the '766 patent.

Furthermore, it does not state that the variable resistor 280 is a "push switch" of claim 2. Thus, claim 2 is not anticipated by the '766 patent at least for this reason.

### Allowed Claims

Applicants thank for allowing claims 3 and 4 if rewritten in independent form. These claims have been rewritten in independent form.

### Summary

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

No extension fee is believed to be due because the three-month response deadline fell on September 4, 2004, a Saturday, and the next business day, Monday, September 6, 2004, was Labor Day.

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Respectfully submitted,

By

Chris T. Mizumoto

Registration No.: 42,899

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 753-6237 (Fax)

Attorneys/Agents For Applicant